APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,337	10/30/2001	Luke E. Girard	42390P11688	3326

7590	10/05/2005	EXAMINER

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EXAMINER
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ART UNIT	PAPER NUMBER
2132	

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/002,337	GIRARD, LUKE E.
	Examiner	Art Unit	
	Kristin Derwich	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 July 2005*.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 October 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Applicant's arguments/amendments with respect to previously presented claims

4-7, 9, 11-12 and 14-15, amended claims 1-3, 8, 10 and 13 filed July 18, 2005 have

been fully considered (MPEP 714.04; 37 CFR 1.111) but they are not persuasive. The

Examiner would like to point out that this action is made final (See MPEP 706.07a).

Response to Arguments

Applicant's arguments with respect to claims 1-15 have been considered but are

moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Hereafter patent literature that is referenced as prior art will be cited by column

and line number in the form of (column number:line number range). For example, the

citation (6:23-27) refers to lines 23-27 of the 6th column in the reference.

1.   Claims 1, 2, 10, 13 and 14 are rejected under 35 U.S.C. 103(a) as being

anticipated by Cromer et al., U.S. Patent Number 6,684,326 in view of Cooper et al.

(Cooper), U.S. Patent Number 5,961,588.

Regarding claim 1, Cromer et al. disclose a network comprising server and client

computers, wherein the client computer accesses an authentication stack during a

power on self-test that enables authentication of the remote server (see abstract; claim

4). Cromer fails to teach an authentication stack comprising various layers. However,

Cooper discloses a communication stack comprising a myriad of layers among which

are:

Network layer for authentication (18:25-31);

Management layer for defining operations (18:67-19:6, wherein the operations

are the function calls);

Presentation layer for decoding operations from a different layer into first protocol

message packets (18:51-54, wherein the operations are being translated into message

packets);

Hardware layer having a control station and server (18:15-18).

Regarding claim 2, Cromer and Cooper substantially teach a network as applied

to claim 1 above, Cromer further discloses the control and interface layer implemented

on the client computer and the support and hardware layer implemented on the server

computer (see column 1, lines 58-63; column 3, lines 39-49; column 4, lines 33-54;

figure 2).

Regarding claims 10, 13, and 14, Cromer et al. and Cooper substantially teach a network as applied to claim 1 above, Cromer further discloses an authentication support component and a storage plug-in component (see abstract; column 2, line 55 - column 3, line 14; column 4, line 16-329 figure 2).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have separate layers within the stack, motivation provided by Cromer et al. (1:58-63), 3:39-49, 4:33-54, fig. 2). The various layers are needed in order to more efficiently carry out the simply tasks that are required such as allowing the server to communicate with the client computer.

2.   Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cromer et al. in view of Cooper, as established above, with Official Notice taken. Cromer et al. discloses a security related event with a storage device with an IDE attachment controller. They do not disclose ATA-3, but Official Notice is taken that ATA-3 is a well known and thereby obvious design choice among the ATA/IDE family (see Microsoft Computer Dictionary, page 39).

3.   Claims 3, 4, 8, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cromer et al. in view of Cooper, as established above, and further in view of Angelo et al., U.S. Patent Number 5,953,422.

Cromer et al. are ambiguous as to whether the authentication is for the terminal or for the user as well. Nevertheless, Angelo et al. in a similar field of endeavor disclose user authentication and an API for user authentication control (see claim 1) that

enforces a security policy (abstract; column 8, lines 26-35; column 11, line 64 - column 12, line 23).

Angelo et al. disclose an API for user authentication on a high level and an authentication support component (see claim 1), and a storage API connected to a storage component (see column 6, lines 22-25; column 9, lines 27-509 figure 3; column 1). Official notice is taken that authentication comprises multiple conceptual layers, including control, interface, support, and hardware. If authentication and storage is disclosed, the respective support components are present, and a method that enables user authentication by interfacing with the network inherently comprises an API. It would have been obvious to one of ordinary skill in the art at the time of the invention to have authenticated the user to ensure that the proper boot takes place, motivation disclosed by Cromer et al. (see colunm 1, lines 31-41) and Angelo et al. (see colurmi 11, line 64 - column 12, line 23).

4.   Claims 5, 6, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cromer et al. in view of Cooper further in view of Angelo et al., as established above, and further in view of Novoa et al., U.S. Patent Number 6,223,284.

Regarding claims 5 and 6, although Cromer et al. disclose the authentication upon power on, they do not disclose it to be a remote LAN wakeup event or resume from suspend event. However, remote LAN wakeup events and resume from suspend events are known in the art to be types of power on events equivalent to standard power on events. Exemplary of this is Novoa et al. who disclose, in a similar field of endeavor, security during wakeup events and resume from suspend. It would have

been an obvious modification to the system of Cromer et al. to have allowed for the same authentication technique when resuming or waking up because of the common need for authentication whenever the computer comes to a powered state.

Regarding claims 11 and 12, Novoa et al. disclose drivers which interface into proprietary calls of a service provider for the support layer (see column 2, line 57 - column 3, line 9; column 12, line 45 - column 14, line 65). In light of the teachings of Novoa et al. it would have been obvious to one of ordinary skill in the art to have the support layer developed by a service provider (with translation from the interface layer) to enhance the abstraction in the system by allowing the authentication system to ignore the low-level details of the support layer.

5.   Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cromer et al., in view of Cooper, further in view of Angelo et al., as established above, and further in view of Bisbee, U.S. Patent Application Number U.S. 2001/002485 A1.

Cromer et al. in view of Cooper and further in view of Angelo et al. disclose an authentication support component comprising a smart card plug-in, remote boot plug-in, and fingerprint plug-in (see Angelo et al. abstract; column 2, line 66 - column 3, line 9; column 5, lines 38-49; column 6, lines 56-679 column 10, lines 42-54. 19. Although there is disclosed a serial bus token (see Angelo et al. column 6, lines 8-38), it is not disclosed to be a universal serial bus. However, the use of USB tokens was known in the art at the time of the invention, as exemplified by Bisbee (see paragraph 0062), and would be an obvious equivalent.

In light of the teachings of Angelo et al. and Bisbee it would have been obvious to

one of ordinary skill in the art at the time of the invention to have included authentication

support plug-ins to add an extra layer of security, as disclosed by Angelo.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Kristin Derwich whose telephone number is 571-272-

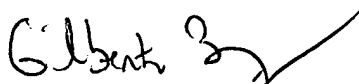7958. The examiner can normally be reached on Monday - Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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